

REMARKS

Applicants thank the Examiner for the courtesy and professionalism extended during the telephonic interview with Applicants' undersigned representative, co-inventor Don Findlay, and counsel for the assignee, Mario Josipovic, on May 14, 2007. Applicants believe that the interview fostered significant progress in the prosecution of this application, clarified several novel aspects of the invention, and clarified several distinctions of the claims over the prior art of record.

In this Reply, Applicants have amended claims 1, 3, 12, and 20 to expressly recite features discussed during the interview. Claims 1-20 are currently pending.

In the final Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publ. No. 2003/0036993 to Parthasarathy ("Parthasarathy") in view of U.S. Patent Application Publ. No. 2002/0019793 to Frattalone ("Frattalone").¹ Applicants traverse because the amended claims recite features that are not taught or suggested by *Parthasarathy* or *Frattalone*, whether taken alone or in any reasonable combination.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based

¹ To any extent that the Examiner characterizes the prior art or the claims, Applicant declines to automatically subscribe to any such characterization.

upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.” USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

As agreed during the interview, with respect to independent claim 1 as amended, both *Parthasarathy* and *Frattalone* fail to teach or suggest at least the recited claim features “information regarding the firm offers to borrow and the firm offers to lend from the database is made available to borrowers and lenders participating in the marketplace for collateralized loans” and “upon locating a match using the database supporting the marketplace for collateralized loans, creating without an option to alter attributes of the firm offer to lend and attributes of the firm offer to borrow, a secured loan.”

Similarly, with respect to claims 3, 12, and 20, the prior art of record fails to teach or suggest at least the recited claim features “providing, to a plurality of lenders and the plurality of borrowers participating in the market for collateralized loans, information about the plurality of offers to borrow,” “providing, to the plurality of borrowers and the plurality of lenders participating in the market for collateralized loans, information about the plurality of offers to lend,” “matching, in the market for collateralized loans, a firm offer to lend from the plurality of firm offers to lend with a firm offer to borrow from the plurality of firm offers to borrow based solely on the attributes of the firm offer to lend and the attributes of the firm offer to borrow,” and “creating a secured loan between a lender and a borrower if the lender’s firm offer to lend matches the borrower’s firm offer to borrow.”

Accordingly, independent claims 1, 3, 12, and 20 are allowable over the prior art of record. For at least the same reasons and by virtue of their dependence from allowable base claims, dependent claims 2, 4-11, and 13-19 are also allowable over the prior art of record.² Applicants respectfully request the withdrawal of the rejection of claims 1-20 under 35 U.S.C. § 103(a) and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: May 24, 2007

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² The dependent claims are also allowable for independent reasons explained in previous responses.